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15 Attorneys for Plaintiff
United States of America

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,) Civil No.: CV07-6162 BZ
19)
20 Plaintiff,) AT LAW AND IN ADMIRALTY
21)
22 v.)
23 Tackle, apparel, furnishings, spares, tools,) (PROPOSED)
24 equipment and certain other appurtenances of) ORDER GRANTING MOTION FOR
25 the SS INDEPENDENCE (O.N. 261147),) ENTRY OF DEFAULT JUDGMENT
26 <u>in rem</u> ,)
27)
28 Defendant.)

25 The United States of America having commenced this ship mortgage foreclosure
26 action in admiralty against the tackle, apparel, furnishings, spares, tools, equipment and
27

1 certain other appurtenances of the SS INDEPENDENCE (O.N. 261147), in rem (“the
2 defendant vessel appurtenances”); and

3 The United States now having moved, pursuant to Fed.R.Civ.Pro. 55(b)(2), for
4 entry of default judgment; and

5 The principal certain amount due to the United States being \$23,107,552; and

6 The defendant vessel appurtenances having been sold, pursuant to court Order, to
7 the United States Maritime Administration on its credit bid of \$10,000, no objections to
8 the sale having been filed, and the sale having been confirmed by operation of law; and

9 The Marshal having issued a bill of sale to the Maritime Administration; and

10 There being no intervenors or claimants herein; and

11 The defendant vessel appurtenances having previously been defaulted on June 25,
12 2008, by the Clerk for failure to appear; and

13 The Court finding good cause to grant the motion for entry of default judgment by
14 the United States in its entirety, it is, therefore, hereby

15 ORDERED that the motion of the United States for entry of default judgment is
16 hereby granted; and it is further

17 ORDERED that the United States of America is the holder of a valid first preferred
18 ship mortgage on the defendant vessel appurtenances; and it is further

19 ORDERED that the credit bid of \$10,000 be deemed disbursed, and applied to the
20 account of the defendant vessel appurtenances and to any deficiency owed to the United
21 States under the mortgage agreement; and it is further

22 ORDERED that default judgment, pursuant to Fed.R.Civ.Pro. 55(b)(2), be entered
23 in favor of the United States of America and against the defendant vessel appurtenances,
24 in rem, in the amount of \$23,097,552, which represents the certain amount of principal
25 owing, \$23,107,552, less the \$10,000 credit bid.

1 IT IS SO ORDERED this 29 day of July, 2009 in San Francisco,
2 California.

3 

4 UNITED STATES DISTRICT JUDGE

5 SUBMITTED BY:

6 Dated: May 14, 2009.

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14 /s/ Jeanne M. Franken
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